



City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND SUBSTANTIVE CONDITIONING OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

DPD Project Number: 3011558

Applicant Name: Bonnie Lindner of HDR Engineering for Seattle Public Utilities

Address of Proposal: 6343 NE 65th St

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 2 million gallon combined sewer overflow (CSO) tank mostly below grade. Project includes 66,450 cubic yards of grading (cut and fill); the existing structure (Building 310) is to be demolished. Determination of Non-Significance and associated Addendum have been conducted by Seattle Public Utilities¹.

The following approval is required:

SEPA – [Chapter 25.05](#) Seattle Municipal Code (substantive conditioning)¹

BACKGROUND, SITE AND PROPOSAL

The 84,300 sq. ft. Lowrise Three (LR3) site is located in the Magnuson Park area. Proposed and current vehicle access is from NE 65th St, which is a main access point into the Park. The parcel also has frontage on NE 64th St which is an unopened right of way and dead ends at the southeast corner of the site. Sportsfield Drive is directly north of the site.

The project is proposed with the goal of reducing overflows into Lake Washington from the combined sewer system, specifically Basin 13



¹ DNS published by SPU in August of 2010; Addendum published 9/6/2011.

which is one of four basins in the 854 Acre Windermere Basin. SPU proposes to demolish the existing structure on site and construct the mostly below grade tank. After the tank construction the site would be landscaped to meet Green Factor requirements of SMC 23.45.570-D.2 and the top of the tank can support parking in the future for any future development of residential uses on the site by the property owner.

Related infrastructure improvements are also included in the proposal with 300' of new curb and gutter along Sand Point Way NE. Also, 150' (on NE 65th St) of fencing, lighting and a site crossing pedestrian walkway (along north property line of site) are planned for the project. Details for these elements are still being developed. These elements are being reviewed by Seattle Department of Transportation with jurisdiction in the rights of way; Parks Department is reviewing all applications and commenting accordingly.

Public Comment

The DPD comment period for this proposal ended on December 21st, 2011. During the public comment period, DPD received no public comment letters.

Design Commission

The Design Commission review was not required for this application (see email from Design Commission in the MUP file).

ANALYSIS - SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), [WAC 197-11](#), and Seattle's SEPA Ordinance ([Seattle Municipal Code Chapter 25.05](#)).

Disclosure of the potential impacts from this project is made in the environmental checklist submitted by the applicant dated September 15th, 2010. DPD has analyzed the environmental checklist, reviewed the project plans, the DNS Addendum and the supporting information in the file and referenced by SPU. As indicated in the information, this action may result in some impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant. SPU has proposed mitigation measures in its SEPA Checklist and DNS determination (further analyzed later in this document). These mitigation measures along with DPD's analysis and substantive conditioning, possible impacts will be mitigated. A discussion of these impacts, short and long term, is warranted.

Short - Term Impacts

Construction Impacts

Construction activities (grading) for the project could result in the following adverse impacts: construction dust, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction workers' vehicles.

Several constructions related impacts are mitigated by existing City codes and ordinances applicable to the project, such as: Noise Ordinance; Street Use Ordinance; Grading and Drainage Code; Environmentally Critical Areas Ordinance, Land Use Code and Building Code. Following is an analysis of the applicable City Regulations.

The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) is adequately controlled with a street use permit through the Seattle Department of Transportation.

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant. SPU is currently under Street Improvement Plan review where SDOT is addressing how construction activities such as road closures and temporary traffic re-channeling will be reviewed for the related piping in adjacent rights of way. As a result no conditioning is necessary related to these specific activities.

SPU will maintain a website for the project to inform the public of progress and specific construction phases. The website will provide contacts for surrounding residents to communicate with the contractor during the construction process. Contacts and phone numbers will also be distributed to nearby property owners. Conditioning is warranted (Condition #1) to ensure the public outreach plan is in place prior to the commencement of construction.

An impact not always addressed in other City Codes is related to particulate dust caused by excavation. Considering the 45,000 cubic yards of excavation and 21,450 cubic yards of fill proposed in concert with the fact that trucks will be maneuvering near or on the site, SEPA conditioning is warranted to mitigate the impact of dust/grade particulates in the air and onto the street system ([SMC 25.05.675-B.2](#)). Repeated wetting of the soils during grading activities and of uncovered trucks to keep dirt and dust impacts to a minimum are required (condition #2). Further, to mitigate particulates being transferred from the construction site to the surrounding street system, wheel washing facilities for trucks leaving the site is required (condition #3).

Construction is expected to temporarily add some particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy ([SMC 25.05.675-A.2](#)).

Construction Noise

Noise associated with the heavy construction processes and overall length (approximately 1.5 years) of the proposed construction process could adversely affect surrounding properties in the area, which include residential uses and a childcare facility (UW Radford Court). Due to the proximity of the project site to residential and child care uses, DPD finds the limitations of the Noise Ordinance to be inadequate to mitigate the potential noise impacts to surrounding residential uses. Pursuant to the SEPA Overview Policy ([SMC 25.05.665](#)) and the SEPA Construction Impacts Policy ([SMC 25.05.675-B.2](#)), conditioning is warranted to limit construction days and hours (condition #5).

The hours of all major construction work should be limited to between 7:00 AM – 6:00 PM on non-City holiday (pursuant to [SMC 25.08.155](#)) weekdays and between 8:00 AM – 6:00 PM on Saturdays. Emergency or necessary work may be allowed if prior approval is secured from the undersigned Land Use Planner or DPD's noise abatement team.

Emergency or necessary work hours are limited to emergency construction necessitated by safety concerns, project complication or work which would substantially shorten the overall construction timeframe. Such limited alternate work hours will be considered only when the contractor provides **three (3) days** prior notice to allow DPD to evaluate the request. DPD will require an email be sent to the project's citizen email list to inform surrounding residents of the construction work and posting on the project outreach website. Work of low noise impact; landscaping activity which does not require use of heavy equipment (e.g., planting, work by hand site recon) would be permitted as allowed under the Noise Ordinance.

Construction Vehicles

Existing City code (SMC [11.62](#)) requires truck activities to use arterial streets within the City to every extent possible. Prior to construction approval SDOT will review and approve a specific traffic control plan for the proposed project, therefore, no conditioning is necessary from DPD.

City code (SMC [11.74](#)) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks, which minimizes the amount of spilled material and dust from the truck bed en route to or from a site.

Traffic and Construction Worker Parking

The subject of this decision is the approval of the CSO tank on private property. Most staging should be accommodated on site, any closures of NE 65th St will be mitigated as reviewed by SDOT during the traffic control review (includes all other approvals in the ROW along 65th and Sand Point Way) and appropriate measures will be required, no conditioning is necessary. Worker parking is anticipated to be able to be accommodated within Magnuson Park or at a location of the contractor's choosing. Other permits may be required depending on the contractor's plan.

The completed project will have no traffic impact on the area.

Long - Term Impacts

The following long-term or use-related impacts, slight increase in demand on public services and utilities; and increased energy consumption are not considered adverse; furthermore, other City Departments will review in detail the service requirements needed to meet the project impacts/demand.

Environmentally Critical Areas (ECA)

One mapped ECA, Peat Settlement Prone, borders the site to the west (Parks parcel). This is not an ECA that requires SEPA mitigation pursuant to SMC 25.09.908, although DPD geotechnical staff did reviewed for compliance with ECA Ordinance and it was determined to be consistent. More detailed information and review will occur with the required construction permit.

Air Quality, Water Quality and Environmental Health

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in small increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively small contribution of greenhouse gas emissions from this project due to its function and nature. SPU analyzed the project for greenhouse gases; the Green House Gas worksheet is located at the end of the SEPA Checklist.

SPU executed an initial environmental review and a Phase I Environmental Site Assessment (ESA) for the site. The reports found no major impacts with developing the project.

SPU is required to submit the proper paperwork and notification to Puget Sound Clean Air Agency in order to mitigate for any Asbestos Abatement and Notice of Demolition of the existing building on site known as Building 310. SPU conducted a hazardous building materials survey of the building and found asbestos, potential PCB-containing light fixtures, mercury thermostats and lead based paint. All hazardous material will be removed and disposed of in accordance with applicable regulations. PSCAA will require mitigation as deemed necessary. As a result no SEPA conditioning is necessary.

SPU conducted a ground water sampling survey and found lead as well as high magnesium concentrations were well above drinking water standards. Dewatering permits are required by King County or SPU depending on discharge locations, no SEPA conditioning is necessary. A side sewer permit, if required, will appropriately mitigate impacts to the combined sewer system.

Historic Preservation

In the initial SEPA checklist it was indicated that Building 310 would not be removed, but in the subsequent Addendum to the SEPA checklist, SPU decided to remove the structure. It is not within the Sand Point Naval Air Station Historical District and exhibits very little historical value; as a result no conditioning is warranted for historical impacts.

Investigation by Historical Research Associates (HRA) of the likelihood of cultural resources at the site showed there may be resources at the site at depths where the 25' tank excavation occurs. The report recommends that an archaeological monitor be present during the excavation phase of the project. SEPA conditioning is warranted (Condition #4) to ensure proper archaeological monitoring occurs during site excavation ([SMC 25.05.675-H.2](#)).

Summary

In conclusion, adverse effects on the environment resulting from the proposal are anticipated to be non-significant. Meeting the self-imposed (99 items) Environmental Mitigation Commitments (listed in the beginning of SPU's Final SEPA checklist and Determination of Non-Significance), conditions stated below and analyzed above, the project will be consistent with applicable SEPA policies.

CONDITIONS – SEPA

Prior to Commencement of Construction

1. Execute the public outreach plan including: a website to provide project and progress updates, obtain email list-serve for project updates, and provide project contacts (with phone numbers) for the public. These contacts should also be mailed to nearby property owners (SPU should define the appropriate area of the mailings).

During Construction

The following conditions to be enforced during construction shall be posted at each street abutting the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions shall be affixed to placards prepared by DPD. The placards will be issued along with the building/grading permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

2. During grading activities, watering of the site and uncovered materials in trucks shall be required to reduce construction dust/particulates.
3. The contractor shall make provisions to wash vehicle tires, wheels and exteriors leaving the site in order to prevent spillover of particulates into the adjacent rights of way.
4. An archaeological monitor be on site to review excavation of the site. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:
 - Stop work immediately and notify DPD (Lucas DeHerrera 206.615.0724) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.
 - Abide by all regulations pertaining to discovery and excavation of archaeological resources in the RCW and Chapter 25.48 WAC, as applicable, or their successors.
5. The hours of all major construction work should be limited to between 7:00 AM – 6:00 PM on non-City holiday (pursuant to [SMC 25.08.155](#)) weekdays and between 8:00 AM – 6:00 PM Saturdays. Emergency or necessary work may be allowed if prior approval is secured from the undersigned Land Use Planner or DPD's noise abatement team.

Alternate work hours if allowed will be limited to emergency construction necessitated by safety concerns, project complication, work of low noise impact; landscaping activity which does not require use of heavy equipment (e.g., planting), or work which would substantially shorten the overall construction timeframe. Such limited alternate work hours will be considered only when the contractor provides three (3) days prior notice to allow DPD to evaluate the request to the undersigned Planner or Noise Abatement Team (Land Use Planner (Lucas DeHerrera 206.615.0724) or the Noise Abatement Team (David George 206.684.7843 or Jeff Stalter 206.615.1760)). DPD will require the website to be updated and an email be sent to the project's email list to inform surrounding residents of the construction work and may require further mitigation depending on public comments through the construction process.

	Work Hours						
	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
7:00 am							
8:00							
9:00							
10:00							
11:00							
12:00 pm							
1:00							
2:00							
3:00							
4:00							
5:00 pm							
6:00							
7:00							
8:00							

	= Major construction work not permitted
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Signature: _____ (signature on file)
 Lucas DeHerrera, Senior Land Use Planner
 Department of Planning and Development

Date: May 24, 2012

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